

Article - Public Safety

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§13A–703.

(a) The trial counsel of a general or special court–martial shall:

- (1) be a member in good standing of the State bar;
- (2) prosecute in the name of the State; and
- (3) under the direction of the court, prepare the record of the proceedings.

(b) (1) The accused has the right to be represented in defense before a general or special court–martial or at an investigation under § 13A–603 of this title as provided in this subsection.

(2) The accused may be represented by civilian counsel at the provision and expense of the accused.

(3) The accused may be represented by military counsel:

- (i) detailed under § 13A–506 of this title; or
- (ii) of the accused’s own selection if that counsel is reasonably available as determined under paragraph (7) of this subsection.

(4) If the accused is represented by civilian counsel, military counsel detailed or selected under paragraph (3) of this subsection shall act as associate counsel unless excused at the request of the accused.

(5) Except as provided under paragraph (6) of this subsection, if the accused is represented by military counsel of the accused’s own selection under paragraph (3)(ii) of this subsection, any military counsel detailed under paragraph (3)(i) of this subsection shall be excused.

(6) (i) Subject to subparagraph (ii) of this paragraph, the accused is not entitled to be represented by more than one military counsel.

(ii) The person authorized under regulations adopted under § 13A–506 of this title to detail counsel, in that person’s sole discretion:

1. may detail additional military counsel as assistant defense counsel; and

2. if the accused is represented by military counsel of the accused's own selection under paragraph (3)(ii) of this subsection, may approve a request from the accused that military counsel detailed under paragraph (3)(i) of this subsection act as associate defense counsel.

(7) The senior force judge advocate of the same force of which the accused is a member shall determine whether the military counsel selected by an accused is reasonably available.

(c) In any court-martial proceeding resulting in a conviction, the defense counsel:

(1) may forward for attachment to the record of proceedings a brief of such matters as counsel determines should be considered on behalf of the accused on review, including any objection to the contents of the record that counsel considers appropriate;

(2) may assist the accused in the submission of any matter under § 13A-902 of this title; and

(3) may take other action authorized by this title.

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